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10/516,830	12/07/2004	Ronen Lin	1874-4050	7206
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MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER				
STEELE, JENNIFER A				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
09/05/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com
Shopkins@Morganfinnegan.com
jmedina@Morganfinnegan.com

Office Action Summary

Application No.

10/516,830

Applicant(s)

LIN ET AL.

Examiner

JENNIFER STEELE

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/27/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 66, 67, 69 and 71-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 66, 67, 69 and 71-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 66, -67, 69, 71-81, 86-91 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
2. Claim 66 recites the limitation of a retroreflection value of at least 30 however the specification does not describe the standard or test method for determining this value. Without a clear indication of how one would measure this value in a reproducible manner one can not practice the invention as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 66-67, 69, 71-88 rejected under 35 U.S.C. 103(a) as being unpatentable over Mass (US 6,521,551) in view of Hurwitz (US 6,925,965) and Kuney, Jr. (US 4,957,335).

Mass teaches a knitted netting that is used in wrapping loads on pallets and bales of agricultural products (col. 1, lines 7-10). Mass teaches a knitted netting comprising longitudinal polyolefin ribbons and lateral polyolefin ribbons knitted with the longitudinal polyolefin ribbons to form a knitted netting (claim 1). Mass differs and does not teach that the knitted netting is reflective and does not teach that the knitted netting has the property of a retroreflection value of at least 30.

Hurwitz teaches a reflective rope for use as a dog leash that can be seen at night. Hurwitz teaches the rope is omnidirectional reflective and comprised of a central braided rope with a cylindrically braided reflective sleeve composed of narrow width reflective strips. The reflective strips are produced from flexible sheet with retroreflective elements available from 3M under the tradename of SCOTCHLITE. The flexible polymer is thermally bonded and braided, woven or knitted narrow width nylon or polypropylene strip. Hurwitz is teaching retroreflective material can be formed into a knitted structure. Hurwitz does not teach a retroreflective value, however teaches the reflective material is SCOTCHLITE produced by 3M.

Kuney teaches a retroflective material produced by 3M and is equated with the SCOTCHLITE disclosed by Hurwitz. Kuney teaches the retroreflective brightness of the reflective material can be optimized by changing the size of the microspheres in the sheeting and presents values of retroreflective brightness at different angles in Table 2 (col. 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a reflective component into a knitted netting motivated to produce a netting that is reflective and can be seen at a distance. It would have been obvious to optimize the reflective properties to achieve the desired amount of reflection as taught by Kuney.

As to claim 67, Mass teaches a roll of knitted netting.

As to claim 69, Mass teaches a knitting netting. Mass differs and does not teach a netting with a reflective property and does not teach a netting that has a colored indicator. As presented above Mass in view of Hurwitz and Kuney teach a reflective knitted netting. Hurwitz teaches articles that can have reflective material in the form of different color dots encapsulated in plastic (col. 2, lines 25-29). Further Hurwitz teaches a rope of different colored strands of braided polymer strips. It would have been obvious to one of ordinary skill in the art to employ a colored indicator in the reflective knitted netting motivated to produce an article that utilizes reflective materials and colored materials to indicate a position on a net.

Regarding claim 71-79, Mass differs and does not teach a reflective material in the knitted netting. Hurwitz teaches the reflective material can be positioned and woven, knitted or braided into an article to produce the desired effect. It would have been obvious to position the reflective material throughout the entire netting or only on portions of the netting motivated to produce a netting that has the desired reflectance for the designated use.

As to claim 80, Mass teaches a knitted structure wherein the longitudinal ribbons, also named franzes, are formed with a series of loops so that the lateral ribbons, also called shusses, are knitted into the loops and the schuss ribbons zig-zag laterally between adjacent longitudinal franz ribbons (shown in Figure 2).

Regarding claims 81-87, Mass differs and does not teach a reflective component or material in the knitted netting. Hurwitz teaches a reflective material in the form of strips can be knitted, woven or braided to produce a material with a reflective property. Hurwitz references the reflective material is SCOTCHBRITE and this material is in the form of strips that can be placed at any location in the article and can be placed to have a reflective material on one or both faces.

As to claims 88, Mass differs and does not teach a reflective component or material in the knitted netting. Hurwitz teaches a reflective component that is referenced to be SCOTCHBRITE which is made of a polymeric material of nylon or polypropylene (col. 8, lines 50-64).

4. **Claim 89-90 rejected under 35 U.S.C. 103(a) as being unpatentable over Mass (US 6,521,551) in view of Hurwitz (US 6,925,965) and Kuney, Jr. (US 4,957,335) and in further view of Martin (Derwent 1998-365065).** As to claims 89 and 90, Mass in view of Hurwitz and Kuney differ and do not teach at least two reflective strips of different patterns or locations on the netting. Martin teaches a netting with reflective strips sewn into the netting and the strips run lengthwise along the netting at different locations.

It would have been obvious to one of ordinary skill in the art to employ reflective strips at different locations in the netting motivated to improve the visibility of the netting.

5. **Claim 91-93 rejected under 35 U.S.C. 103(a) as being unpatentable over Mass (US 6,521,551) in view of Hurwitz (US 6,925,965) and Kuney, Jr. (US 4,957,335) and in further view of Tung (US 4,348,312).**

As to claim 91-93, Mass differs and does not teach a reflective component or colored material in the knitted netting. Hurwitz teaches a pattern on the braided rope of reflective indicator strips and colored braided strips. Hurwitz incorporates by reference US 3,871,336 which teaches highly reflective material having the form of different color dots encapsulated in plastic. Tung teaches ultra-high-index glass microspheres and products made therefrom (Title). Tung teaches the compositions comprising copolymers may be blended to form transparent compositions of low refractive index making them useful with retroreflective products (ABST). Tung teaches the retroreflective material can be colored with oxides to achieve a particular nighttime or daytime coloring effect (col. 5, lines 5-11)

It would have been obvious to one of ordinary skill in the art to employ a pattern of colored materials and reflective materials motivated to produce a reflective netting that can be seen in the day or night light.

Response to Arguments

6. Applicants amended cancelled claims 1-65, 68 and 70 and amended claims 66 and the previous 35 USC 112 2nd paragraph rejection with respect to claims 1, 19, 38, 43, 46-49, 66, 69 and 70 have been withdrawn.

7. In view of new 35 USC 112 1st paragraph rejection to claim 66, this action is being made NonFinal.

8. Applicant's arguments with respect to claim 66-67, 69, 71-93 have been considered but are moot in view of the new ground(s) of rejection. New grounds of rejection with respect to Mass in view of Hurwitz and Kuney are presented herein. Applicant's arguments are directed to the rejection of Mass in view of Tsunefuji as this rejection is withdrawn, the arguments are moot in view of new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER STEELE whose telephone number is (571)272-7115. The examiner can normally be reached on Office Hours Mon-Fri 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/J. S./
Examiner, Art Unit 1794

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit
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8/28/2008